

LAW OFFICES
ARTHUR B. CUNNINGHAM
79 Checkerberry Lane, Hopkinton, NH 03229

July 10, 2019

Regional Freedom of Information Officer
US EPA, Region 1
Suite 100
5 Post Office Square
Boston, MA 02109

Re: Freedom of Information Act Request (5 USC Section 552)-Peirce Island
WWTF, Portsmouth, New Hampshire

Dear Sir:

I represent a group of Portsmouth, New Hampshire citizens who have substantial concerns that the Peirce Island WWTF (WWTF) as constructed will not be compliant with the September 24, 2009, Consent Decree and Modifications (Case 1:09-cv-00283, United States District Court, District of New Hampshire).

The Second Modification of the Consent Decree, approved by the Court on September 28, 2016, requires substantial completion of secondary treatment facilities by December 1, 2019, with related deadlines for compliance with permit limits. The existing 2007 NPDES permit that required secondary treatment expired in March 2012.

Pursuant to 5 USC 552, please provide:

Any City of Portsmouth (City) NPDES Permit Application intended to replace the expired 2007 NPDES Permit.¹

Please also include any City requests for waivers of NPDES Permit secondary treatment effluent parameters, including nitrogen.

Any proposed Draft NPDES Permit intended to replace the expired 2007 NPDES Permit.

¹ The new Permit is required to include secondary effluent limits for organic load (BOD5), suspended solids (TSS) and technology-based nitrogen removal including the other 40 CFR Appendix J, Part 122 effluent parameters.

Provide all reports and data, together with pilots and other tests, showing that the design and construction of the WWTF will handle the hydraulic and pollutant loading necessary to meet the effluent limits in any proposed Draft NPDES Permit.

Please also produce all dry and wet weather flow and loading data, including peak flow data, that supports the proposed Draft NPDES Permit.

Please also provide all reports and data regarding peak influent wet weather flows that exceed engineered plant capacity.

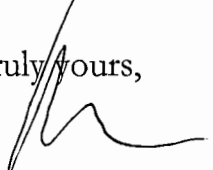
Provide operations plans that will prevent damage to the plant and maintain proposed Draft NPDES permit compliant sewage treatment.

Please include proposed plans for diversion of sewage to CSOs, pre-plant holding facilities, pumping schedules, plant bypass diversion around biological and advanced treatment with disinfection and direct untreated sewage discharge to the Piscataqua River.

Please detail all engineering and construction changes from the original plans and specifications as approved by New Hampshire Department of Environmental Services (NHDES) together with change orders and supporting analysis, if any, used to ensure that the WWTF will comply with the Consent Decree with Modifications and Permit limits.²

Please produce all correspondence, email and other communications to and from the City of Portsmouth, its employees, engineering and construction contractors, testing laboratories or others regarding the draft or proposed NPDES Permit.

Very truly yours,



Arthur B. Cunningham

cc: Clients

² It is assumed that the 2007 NPDES Permit limits will apply pending the issuance of a new permit.